

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 447

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO DOMESTIC VIOLENCE; CREATING DOMESTIC VIOLENCE  
SPECIAL COMMISSIONERS; PROVIDING POWERS AND DUTIES; ELIMINATING  
THE DOMESTIC VIOLENCE PILOT PROGRAM IN THE ELEVENTH JUDICIAL  
DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Family Violence  
Protection Act is enacted to read:

"NEW MATERIAL DOMESTIC VIOLENCE SPECIAL COMMISSIONERS--  
APPOINTMENT-- QUALIFICATIONS. --

A. A domestic violence special commissioner shall  
be appointed by and serve at the pleasure of the chief judge of  
the judicial district to which the officer is assigned.

B. A domestic violence special commissioner shall:

(1) be an attorney licensed to practice law in

1 New Mexico;

2 (2) have a minimum of three years experience  
3 in the practice of law and be knowledgeable in the area of  
4 domestic relations and domestic violence matters; and

5 (3) conform to Canons 21-100 through 21-500  
6 and 21-700 of the Code of Judicial Conduct as adopted by the  
7 supreme court. Violation of any such canon shall be grounds  
8 for dismissal of any domestic violence special commissioner."

9 Section 2. A new section of the Family Violence  
10 Protection Act is enacted to read:

11 "[NEW MATERIAL] SPECIAL COMMISSIONERS-- POWERS-- DUTIES. --

12 A. A domestic violence special commissioner shall  
13 perform the following duties in carrying out the provisions of  
14 the Family Violence Protection Act:

15 (1) review petitions for orders of protection  
16 and motions to enforce, modify or terminate orders of  
17 protection;

18 (2) if deemed necessary, interview  
19 petitioners. Any interview shall be on the record;

20 (3) conduct hearings on the merits of  
21 petitions for orders of protection and motions to enforce,  
22 modify or terminate orders of protection; and

23 (4) prepare recommendations to the district  
24 court regarding petitions for orders of protection and motions  
25 to enforce, modify or terminate orders of protection.

